

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION – COLUMBUS**

Melissa Bennett, Administrator of the Estate
of Scott Anthony Coldren,

Plaintiff,

v.

George W. Lavender, *et. al.*,

Defendants

Case No.: 2:20-cv-03193

Judge: James Graham

Mag. Judge: Chelsey M. Vascura

PLAINTIFF’S RESPONSE TO SHOW CAUSE ORDER

This court has asked the Plaintiff to show cause as to why “John Does 1-20” identified as defendants in this matter should not be dismissed for lack of service. The parties previously discussed this issue with the court during a status conference held on September 3, 2020. As is reflected in the court’s Preliminary Pretrial Order filed on September 3, 2020, the Court gave the parties until November 3, 2020 to file motions relating to the pleadings, and additionally granted Plaintiff’s unopposed oral motion to extend the deadline to identify the Doe defendants.

Plaintiff’s counsel received written interrogatory responses from Defendant Lavender on October 13, 2020, and copies of more than 1,100 pages of documents on October 19, 2020. Plaintiff’s counsel has now had an opportunity to review the responses and at least a portion of the documents. Plaintiff’s counsel is now in a position to identify the potentially liable deputy sheriffs and to file a motion for leave to file an amended complaint to include those deputy sheriffs, which Plaintiff anticipates filing before November 3, 2020. Of note, Defendant Lavender has objected to disclosing the addresses of the deputy sheriffs who are to be named in the complaint. So, as long as those deputy sheriffs are still employed at the Ross County Sheriff’s Office, service should be able to

be perfected on them at the Sheriff's Office once the court grants the Plaintiff leave to file the amended complaint. For these reasons, Plaintiff respectfully requests this court to find that she has shown cause as to why the John Doe defendants should not be dismissed for lack of service.

Respectfully submitted,

PLYMALE & DINGUS, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served upon Daniel Downey and Aneglica Jarmusz, attorneys for Defendant George W. Lavender, electronically on this 30th day of October 2020, as well as by regular U.S. mail to follow.

/s/ M. Shawn Dingus
M. Shawn Dingus (0070201)
Attorney for Plaintiff